

REMARKS

Claims 2, 4, 6-10, and 16-22 are pending in this application. By this Amendment, claim 2 is amended, claim 3 is canceled, and claims 16-22 are added. Support for the amendments to the claims may be found, for example, in the claims as originally filed. No new matter is added.

In view of the foregoing amendments and following remarks, Applicants respectfully request reconsideration and allowance.

I. Telephonic Interview

The courtesies extended to Applicants' representative by Examiner Kolker during the interview held November 24, 2009, are appreciated. The reasons presented during the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

II. Entry of Amendments

As discussed during the interview, entry of the amendments is proper because: (1) the amendments to claim 1 incorporate the already considered subject matter of claim 3 and cancel claim 3; and (2) the new claims consist of claim 16, which is claim 8 rewritten in independent form, and dependent claims 17-22, which respectively correspond with claims 9, 4, 6, 7, and 10. Applicants thank Examiner Kolker for indicating that claims the amendments to claim 2 and new claims 16-22 will be entered.

In addition to the above reasons, entry of the amendments is proper under 37 CFR §1.116 because the amendments: (3) place the application in condition for allowance (for the reasons discussed herein); (4) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); and (5) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are

made in response to arguments raised in the final rejection. Applicants respectfully request entry of the amendments.

III. §102(b) Rejection

The Office Action rejects claims 2 and 10 under 35 U.S.C. §102(b) over Roecklin. Without conceding the propriety of the rejection, the subject matter of non-rejected claim 3 is incorporated into claim 2, thus obviating the rejection. Applicants respectfully request reconsideration and withdrawal of the rejection.

IV. §103(a) Rejection

The Office Action rejects claims 2-4, 6, 7, and 10 under 35 U.S.C. §103(a) over Roecklin in view of Hornbeck and Perron. Applicants respectfully traverse the rejection.

Perron is not available as prior art against the pending claims. This application is the national phase of International Application No. PCT/FR04/050748, filed December 22, 2004, and claims priority benefit of FR 0315265, filed December 23, 2003. Submitted herewith is, upon information and belief, an accurate English-language translation of the certified copy of FR 0315265. As is evident from the translation of FR 0315265 attached hereto, the pending claims are fully supported by FR 0315265. Accordingly, the pending claims are entitled to the benefit of the December 23, 2003 filing date of FR 0315265.

Perron was made publicly available on September 10-14, 2004. As Perron was publicly available after the December 23, 2003 effective filing date of this application, Perron is not available as prior art against this application under 35 U.S.C. §102(a) or §102(b). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

V. Obviousness-Type Double Patenting Rejections

The Office Action rejects claims 2 and 10 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-4, 6, and 7 of U.S. Patent No. 7,510,843; and rejects claims 2 and 10 on the ground of non-statutory obviousness-type

double patenting as being unpatentable over claims 8 and 9 of U.S. Patent No. 7,081,345. Without conceding the propriety of the rejections, the subject matter of non-rejected claim 3 is incorporated into claim 2, thus obviating the rejections. Applicants respectfully request reconsideration and withdrawal of the rejections.

VI. Allowable Subject Matter and New Claims

Applicants thank the Examiner for the indication that claims 8 and 9 contain allowable subject matter. As described above, by this Amendment, claim 8 is rewritten in independent form as claims 16 and claims corresponding to claims 9, 4, 6, 7, and 10 are added as claims 17-22. Accordingly, Applicants respectfully request allowance of claims 16-22.

VII. Rejoinder

Applicants respectfully request rejoinder of withdrawn claim 11-15. This application is a National stage application filed under 35 U.S.C. §371 and is subject to unity of invention practice as set forth in PCT Rule 13, and are not subject to U.S. restriction practice. *See* MPEP §1893.03(d). PCT Rule 13.1 provides that an "international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept." Amended claim 2 and claims 11-15 include at least one antibody that binds to the heterocomplex. None of the applied references that qualify as prior art are asserted to disclose this feature. As such, claims 11-15 have unity of invention with claim 2. Accordingly, Applicants respectfully request rejoinder of claims 11-15.

VIII. Conclusion

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of the application.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Ryan R. Brady
Registration No. 62,746

WPB:RRB/rle

Attachment:
English-language translation of FR 0315265

Date: December 1, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--